

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEENAN PARKER,

Plaintiff,

ORDER

-against-

23 Civ. 9326 (NSR) (AEK)

C.O. D. SANTIAGO, *et al.*,

Defendants.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

In his November 13, 2024 Opinion & Order granting in part and denying in part Defendants' motion to dismiss, the Honorable Nelson S. Román granted Plaintiff Keenan Parker leave to file an amended complaint by December 14, 2024. *See* ECF No. 42 at 12-13. In a letter to the Clerk of Court dated December 27, 2024 (and docketed on January 2, 2025), Plaintiff requested additional time to file an amended complaint. ECF No. 43. Judge Román granted the application in an order dated January 7, 2025, and extended the deadline to February 7, 2025. ECF Nos. 44. Plaintiff was advised that the amended complaint would replace, not supplement, the original complaint, and that any claims that Plaintiff wished to pursue must be included in, or attached to, the amended complaint. *Id.* Judge Román further ordered that if Plaintiff failed to file an amended complaint within the time allowed, those claims that were dismissed without prejudice in the November 13, 2024 Opinion & Order would be deemed dismissed with prejudice. *Id.* Defense counsel was directed to mail a copy of the January 7, 2025 order to Plaintiff and to file proof of service on the docket. *Id.* Defense counsel did send a copy of the order to Plaintiff, but not until January 22, 2025, 15 days after the order was issued by Judge Román. *See* ECF No. 45.

No amended complaint was filed by the February 7, 2025 deadline. On February 28, 2025, Defendant Breidenstein filed his answer to the original complaint, along with a proposed case management plan, *see* ECF Nos. 46, 47; those documents were served via mail on Plaintiff the same day that they were filed, *see* ECF No. 48. Judge Román referred this case to the undersigned for general pretrial supervision on March 4, 2025. ECF No. 49.

On March 5, 2025 the Clerk of Court docketed Plaintiff's amended complaint. *See* ECF No. 51. This document was received in the Clerk's Office on February 28, 2025, though Plaintiff represented that he delivered the complaint to prison authorities for mailing on February 18, 2025, 11 days after the deadline originally set by Judge Román in the January 7, 2025 order. *See id.* at 8, 9.

By March 18, 2025, counsel for Defendants is hereby ordered to submit a letter to this Court setting forth Defendants' position regarding whether the amended complaint should be accepted for filing.

The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Plaintiff.

Dated: March 10, 2025
White Plains, New York

SO ORDERED.


ANDREW E. KRAUSE
United States Magistrate Judge